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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,746	10/23/2003	Bobby Hu	CFP-2178 (15722/589)	2456
23595	7590	03/14/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			ACKUN, JACOB K	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/693,746	HU, BOBBY	
	Examiner	Art Unit	
	Jacob K. Ackun Jr.	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-10 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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1. Claim 2-12 are objected to because of the following informalities: the recited numbers of the ends of the first and/or second members of the coupling device appear to be confused in some instances. So for example, the word "second" on lines 12 and 14 of claim 2 could be changed to "first" to overcome the objection. Claim 9 should be amended as well. Other claims should be reviewed for consistency. Appropriate correction is required.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 2-10 are finally rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Inoue (4,711,145) or Jarvis (6,324,947). Considering either reference, the claimed fastener driving member (note for example claim 2) is the tool to which the disclosed handle or device is intended to be attached during use. In Inoue the second member is head 1 and the first member is handle 6, or an appropriate portion thereof (so that another portion could be considered the extension rod). Jarvis is interpreted similarly. The end of the first member opposite the end to which the second member is attached is considered in each reference to have the polygonal engaging hole to engage an extension rod, handle etc., as required in claim 2 (For example first member 102 in Jarvis has an engaging hole to engage handle 109).

Should either Inoue or Jarvis be later deemed not to meet all of the elements of the claims because of a lack of the above noted polygonal engaging hole or the details of the fastener driving member recited in the dependent claims, the examiner considers that it would have been obvious in view of either Inoue or Jarvis to provide the missing elements in order to make the

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disclosed devices more useful for their intended purposes. Providing handle extensions and spaced jaws, etc., on a fastener driving member are not the invention of the applicant.

4. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al., Foster et al. or Scull alone, or further in view of Inoue or Jarvis or Fairbanks. Either base reference discloses a fastener driving member with the required polygonal opening at one end thereof (In Foster the two part handle in each embodiment clearly meets the requirements of "first member" and "second member" as recited in claim 2. Additionally the two part handles are retained in a desired angular position at least manually). However, the handle (on which the claimed coupling device reads) for use with each fastener driving member may lack features such as the pivotal connection now recited in claim 2 or the polygonal engaging hole of the same claim. Either secondary reference is applied to show a handle having all of the features of the claimed coupling device (note for example the application of Inoue and Jarvis above). It would have been obvious to employ either of the handles disclosed in the secondary references with either of the fastener driving members of the base references for the purpose of providing added utility to the devices of the base references. The claims read on the resulting combinations.

5. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Applicant's arguments filed on 12/27/04 have been fully considered but they are not persuasive. The amendments to claim 2 change the scope of the claim. Additionally claim 2 now reads on the prior art which shows prior art handles having first and second members hinged or

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pivotally connected together and retained in some fashion, including by hand, in a desired angular position relative to one another.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

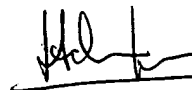
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob K. Ackun Jr. whose telephone number is (571)272-4418. The examiner can normally be reached on Monday through Friday 8.30AM-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571)272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jacob K. Ackun Jr.
Primary Examiner
Art Unit 3723

J.A.